

1 HB149
2 189493-1
3 By Representative Davis
4 RFD: Judiciary
5 First Read: 09-JAN-18

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8 SYNOPSIS: Existing law provides for the Mowa Band of
9 Choctaw Indians to employ police officers and
10 limits the exercise of their powers to the premises
11 of the reservation except when in appropriate
12 pursuit off the premises of the reservation of an
13 offender who is charged with a crime while on the
14 premises of the reservation, when making a lawful
15 arrest for a felony committed, or probable cause to
16 believe a felony has been committed, in the
17 presence of the police officer, or within the
18 boundaries of property owned or operated by the
19 tribe.

20 This bill would give the Poarch Band of
21 Creek Indians the same powers and authority to
22 employ police officers for the protection of the
23 reservation and the safety of the tribe.

24
25 A BILL

26 TO BE ENTITLED

27 AN ACT

To amend Sections 36-21-120 to 36-21-124, inclusive, of the Code of Alabama 1975, relating to police officers of the Mowa Band of Choctaw Indians; to give the same powers and authority to the Poarch Band of Creek Indians.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 36-21-120 to 36-21-124, Code of Alabama 1975, are amended to read as follows:

"§36-21-120.

"The For the purposes of the act adding this amendatory language, the following terms shall have the following meanings, respectively:

"(2) (1) POLICE OFFICER. Any Peace Officers' Standards and Training Commission certified police A law enforcement officer appointed by the Mowa Band of Choctaw Indians Tribal Council a tribe pursuant to Section 36-21-122 who meets all of the requirements of the Alabama Peace Officers' Standards and Training Commission for certified law enforcement officers.

"(3) (2) RESERVATION. The Mowa Choctaw Indian Reservation or Poarch Creek Indian Reservation, including any and all tribal properties or property owned in trust for the tribe by the United States government.

"(1) MOWA BAND OF CHOCTAW INDIANS. (3) TRIBE. The tribe of Indians known as the Mowa Band of Choctaw Indians organized as a nonprofit corporation and recognized as a tribal government and law enforcement agency by the State of

1 Alabama and the tribe of Indians recognized as the Poarch Band
2 of Creek Indians by the federal government and by the State of
3 Alabama as a tribal government and as a law enforcement
4 agency.

5 "§36-21-121.

6 "It is the intent of the Legislature to provide for
7 the employment of police officers by ~~the a~~ reservation in
8 order to protect reservation boundaries from intruders and
9 trespassers, to prevent damage to the properties and grounds
10 of the reservation, and to provide for the safety of residents
11 and employees of the reservation. The police officers shall be
12 vested with powers similar to the powers vested in university
13 police.

14 "§36-21-122.

15 "The ~~Mowa Band of Choctaw Indians Tribal Council~~
16 ~~tribal council of a tribe~~ may appoint and employ one or more
17 suitable persons to act as police officers to protect the
18 reservation of the tribe from intruders and trespassers, to
19 prevent damage to the properties and grounds of the
20 reservation of the tribe, and to provide for the safety of
21 residents and employees of the reservation of the tribe. No
22 state or local funds allocated for law enforcement purposes
23 shall be used to provide financial support for the law
24 enforcement officers hired by ~~the Mowa Band of Choctaw Indians~~
25 a tribe. The authority of any person appointed as a police
26 officer shall immediately cease when the person ceases to be
27 an agent, servant, or employee of ~~the a~~ reservation.

1 "§36-21-123.

2 "Any police officer appointed by a tribe pursuant to
3 Section 36-21-122 shall be charged with all the powers of
4 state ~~or municipal~~ police officers including, but not limited
5 to, the right to bear firearms. The police officers of a tribe
6 may do any of the following:

7 "(1) Eject trespassers from the buildings and
8 grounds of the reservation.

9 "(2) Without a warrant, arrest a person who is
10 engaging in disorderly conduct, trespassing upon the property
11 of the reservation, or committing any public offense in the
12 presence of the police officers on the reservation property,
13 and carry the person before the proper court and, upon proper
14 affidavit, charge the person with committing the offense and
15 the person so arrested may be tried and convicted as in cases
16 of persons brought before ~~the~~ a court on the warrant of the
17 court.

18 "(3) Arrest any person pursuant to a warrant who is
19 on the premises of the reservation and is charged with any
20 public offense and take the person before the proper office.

21 "§36-21-124.

22 "The powers of police officers appointed by a tribe
23 pursuant to this article may be exercised only upon the
24 premises of the reservation of the tribe, and a police officer
25 ~~shall~~ may not otherwise act as a police officer while off the
26 premises of ~~the~~ his or her reservation, except under either of
27 the following conditions:

1 "(1) When in appropriate pursuit off the reservation
2 of any offender or suspected offender who is charged with the
3 commission of a crime while on the premises of the
4 reservation.

5 "(2) To make lawful arrests for a felony committed,
6 or for which there is probable cause to believe has been
7 committed, in the presence of the police officer or within the
8 boundaries of the property owned or operated by the
9 ~~reservation tribe.~~"

10 Section 2. This act shall become effective
11 immediately following its passage and approval by the
12 Governor, or its otherwise becoming law.